



GP/3671

PATENT

#14/100

3/6/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Norbert Walters et al

Examiner: Nathan Scott Mammen

Serial No.: 09/791,512

Group Art Unit 3671

Filed: 22 November 2000

(Atty. Ref. No. 8876-US)

For: AGRICULTURAL HEADER WITH CHOPPER

Moline, IL 61265

11 February 2003

Response Under 37 CFR 1.111

The Honorable Commissioner

of Patents and Trademarks

Washington, D.C. 20231

Sir:

Responsive to the Office Action dated 15 November 2002, paper no. 12.

Remarks/Arguments

The examiner in an Office Action dated 15 November 2002 rejected all of the pending claims 1-21. These rejections were made in response to an Appeal Brief filed by the applicant on 3 September 2002. The examiner has reopened prosecution and entered a new ground rejection. As such, this Office Action and the references cited therein have been carefully considered and this response is now presented in an effort to comply with Patent office requirements and advance prosecution of the application.

The Examiner rejected pending claims 1-3, 5, 7, 9 and 10, under 35 USC 102(b), as being anticipated by WO 99/03323. This rejection is identical to that which was appealed. The examiner's position is that WO 99/03323 discloses a feeding and picking device for a standing crop. The device comprises a feeding device (18, 19) having a feeding radius. The device also comprises a chopping device (22). The chopping device having a chopping radius. The examiner's position is that the feeding radius and the chopping radius overlap.

The examiner finally rejected claims 4 and 8, under 35 USC 103, as being

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